



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,587	10/04/2001	John Pitts	60,469-053; OT-4987	1199

7590 05/04/2004

Theodore W. Olds
CARLSON, GASKEY & OLDS, P.C.
Suite 350
400 West Maple Road
Birmingham, MI 48009

EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
----------	--------------

3682

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

MAY 4 - 2004

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GROUP 3600

Paper No. 13

Application Number: 09/970,587
Filing Date: October 04, 2001
Appellant(s): PITTS ET AL.

David J. Gaskey
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 10, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims s 1 and 4-21 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

JP 8-247221 A	Yaginuma Takao	09-1996
4,976,662	Miranti	12-1990
4,605,389	Westhoff	08-1986

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 15, 16, 19 and 21-24 and 26-27 are rejected under 35 U.S.C. 103 (a).

This rejection is set forth in prior Office Action, Paper No. 7.

(11) Response to Argument

Applicant indicated that claims 15, 16, 19 and 21-27 define over the prior art because the examiner has not made a clear and particular showing of the suggestion to combine the references sufficient to support an obvious rejection. Examiner disagrees in part with applicant's argument for reasons set forth below.

Regarding claim 15, 16, 19, 12-22 and 26-27, applicant states the grooves in the Kokai reference are equally distributed and that if one were to modify the teachings of the Kokai reference to eliminate the equal intervals, controlling the cords may not be possible. In response, it should be noted that the grooves on the Kokai reference have no bearing or consequences on the longitudinal core wires because the grooves are not deep enough to touch the core wires and thus the spacing intervals of the grooves are not limited to the core wires. In respect to the Miranti reference, Applicant indicated that the Miranti reference is directed to a V-ribbed belt having side edges and different sections such as a compression sections and a load carrying section. In addition, applicant contended the unequal distribution of the grooves on the belt of Miranti is pulley related so as to reduce noise when the grooves leave the pulley. In response, Miranti clearly discloses that it is well known in the art for a transmission belt to have grooves staggered so as to reduce noise. Miranti's belt is not directed to a particular transmission belt. Therefore, any transmission belt that engages a pulley such as that of the Kokai reference is included. Furthermore, all transmission belts inherently include a compression section and a load carrying section and the Kokai belt is not excluded.

Art Unit: 3682

Regarding argument relating to claim 22, the Kokai reference meet the claim because the claim only specify that the grooves have two angles and that does not mean they are different from each other (see fig.8).

For the above reasons, it is believed that the rejections should be sustained.

Regarding claim 25, applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of the rejection of the claim has been withdrawn.

Allowable Subject Matter

Claim 25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Respectfully submitted,

Marcus Charles
Primary Examiner
Art Unit 3682

May 3, 2004

Conferrees

DB:

JL:

Theodore W. Olds
CARLSON, GASKEY & OLDS, P.C.
Suite 350
400 West Maple Road
Birmingham, MI 48009